

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

IN RE: ETHICON, INC. PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION	Master File No. 2:12-MD-02327 MDL No. 2327
THIS DOCUMENT RELATES TO ETHICON WAVE 7 CASES	JOSEPH R. GOODWIN U.S. DISTRICT JUDGE

**DEFENDANTS' MOTION TO
EXCLUDE CERTAIN GENERAL OPINIONS OF DANIEL ELLIOTT, M.D.**

Defendants Ethicon, Inc. and Johnson & Johnson (hereinafter “Defendants” or “Ethicon”) move to exclude certain general opinions of one of Plaintiffs’ experts, Dr. Daniel Elliott, M.D., that are improper, unreliable, irrelevant, and/or beyond his expertise. Ethicon’s brief in this wave of cases is very similar to its brief submitted for the Wave 3 cases, and Ethicon has incorporated by reference several aspects of that brief. As set forth in the supporting brief, Ethicon additionally requests that the Court limit Dr. Elliott’s warning opinions, that the Court preclude Dr. Elliott from suggesting that traditional surgical procedures are safer alternatives to Ethicon’s medical devices, and that the Court preclude Dr. Elliott from offering opinions about certain duties allegedly owed by a medical device manufacturer.

In support of this motion, Ethicon incorporates by reference its supporting memorandum of law filed in conjunction herewith, and the following exhibits:

Exhibit	Description
Ex. A	List of Plaintiffs Disclosing Dr. Elliott
Ex. B	Dr. Elliott's Curriculum Vitae
Ex. C	TVT Report
Ex. D	TVT-O Report
Ex. E	<i>Brooks v. Ethicon, Inc.</i> , No. 2:12-cv-02865, Memorandum of Opinion (S.D.W. Va. July 12, 2017)
Ex. F	Deposition of Daniel Elliott, M.D., dated September 26, 2015
Ex. G	Burch Study
Ex. H	Heinonen 10-year TVT study
Ex. I	AUA Guideline
Ex. J	Society of Gynecological Surgeons' Meta-Analysis and Systematic Review
Ex. K	Mayo Clinic Advertisement
Ex. L	Cochrane Review

WHEREFORE, FOR THESE REASONS and as more fully set forth in Defendants' supporting memorandum of law, Defendants respectfully request that this Court enter an order granting Defendants' Motion to Exclude Certain General Opinions of Dr. Daniel Elliott, M.D.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I, William M. Gage, certify that on this day I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL.

/s/ William M. Gage

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